

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

In response to the Office Action mailed December 16, 2003, Applicants respectfully request reconsideration.

Claims 1-37 were previously pending in this application. By this amendment, claims 1 and 27-37 have been amended. New claim 38 has been added. As a result, claims 1-38 are pending for examination with claims 1, 27, 37 and 38 being independent. No new matter has been added

Rejections in view of Lankhuijzen and Pearce et al.

Claims 1-36 were rejected under 35 USC §102(b) as being anticipated by Lankhuijzen (U.S. Patent No. 5,582,345) and Pearce et al. (U.S. Patent No. 5,085,316). Without acceding to the propriety of the rejections in the Office Action, Applicants have amended independent claims 1 and 27 to more particularly point out and distinctly claim their invention.

Claims 1-26

As amended, claim 1 is directed to packaging for holding a pan and cover together. The packaging comprises an elongated sheet having a first part of the sheet secured to a second part of the sheet, along with a first panel and a second panel provided between the secured first and second parts of the sheet and adapted to be spaced from one another to form a loop having a loop opening to accommodate a cover therebetween. The packaging further comprises a first hole located in the first panel adapted to receive a handle of a cover, and a second hole located in a portion of the sheet and adapted to receive a handle of a pan. A length of the loop opening is greater than a width of the elongated sheet.

Lankhuijzen fails to disclose first and second panels that are spaced from one another to form a loop having an opening to accommodate a cover of a pan therebetween. Lankhuijzen is directed to a box for storing compact discs. Being an enclosed box, the box of Lankhuijzen does not include a loop having a loop opening. Additionally, even if the various holes (33, 55) shown in Lankhuijzen were somehow construed as loop openings, the length of these holes is not disclosed to be greater than a width of any elongated sheet. Accordingly, it is respectfully requested that the rejection over Lankhuijzen of independent claim 1 be withdrawn. For at least

the same reasons, it is respectfully requested that the rejections over Lankhuijzen of dependent claims 2-26, which depend from claim 1, be withdrawn.

Regarding the rejection of claim 1 over Pearce et al., Pearce et al. does not disclose a length of a loop opening that is greater than a width of any elongated sheet. For example, the upper and lower openings (79A and 79B, see Figure 2 of Pearce et al.) to compartment (78) do not form a loop opening having a length greater than the width of blank (132). Accordingly, withdrawal of the rejections of independent claim 1 and dependent claims 2-26 over Pearce et al. is respectfully requested.

Claims 27-36

Without acceding to the propriety of the rejection of claim 27, Applicants have amended claim 27 to include packaging for holding a pan and a cover of the pan in combination with the cover of the pan. Lankhuijzen does not disclose combining the compact disc storage box with the cover of a pan. Accordingly, it is respectfully requested that the rejections over Lankhuijzen of independent claim 27 and dependent claims 28-36 be withdrawn.

Similarly, the rejections over Pearce et al. of independent claim 27 and dependent claims 28-36 are respectfully requested to be withdrawn. Pearce et al. does not disclose combining the disclosed package with a cover of a pan.

Rejections in View of Rey et al.

§102(b)

Claims 27-35 were rejected under 35 USC §102(b) as being anticipated by Rey et al. (U.S. Patent No. 4,407,414). Without acceding to the propriety of the rejection, Applicants have amended claim 27 to positively claim a cover of a pan. The wrapper of Rey et al. is designed for pans rather than covers of pans. As such, Rey et al. does not disclose the combination of a cover of a pan and packaging for holding a pan and a cover of the pan together. In fact, the wrapper of Rey et al. is designed to allow for the stacking of pans, as shown in Fig. 9, and therefore is not configured to accommodate pan covers. Accordingly, it is respectfully requested that the rejection of independent claim 27 and dependent claims 28-35 over Rey et al. be withdrawn.

§103

Claims 1-26, 36 and 37 were rejected under 35 USC §103(a) as being unpatentable over Rey et al. Claim 36 depends from claim 27 and should be allowable for at least the same reasons as independent claim 27 discussed above.

Claims 1-26

It is recognized in the Office Action that the wrapper of Rey et al. is not disclosed as having more than one opening. Regarding claim 1, it is contended in the Office Action that it would have been obvious to provide the wrapper of Rey et al. with at least one other hole for the purpose of accommodating therein a pan with two handles. There is no suggestion in Rey et al. that the wrapper could be modified to accommodate a pan with two handles. In column 6, lines 7-9, Rey et al. discloses that the wrapper can also be employed for wrapping utensils with handles such as saucepans or shallow frying pans or utensils without handles. These types of pans do not have more than one handle. Accordingly, no motivation to modify the teachings of Rey et al. in the manner suggested in the Office Action is present in the disclosure of Rey et al.

Furthermore, the provision of a second opening in the wrapper of Rey et al. would not allow for the introduction of a second handle. As may be seen in Fig. 6 of Rey et al., once opening (14) is placed over handle (15) and brought toward the frying pan (1), any opening provided in tongue (9) would not reach far enough to be placed around the end of a second handle. If a second opening were placed in cut-out surface (7) so that the second opening could reach the end of the second handle, strip (18) would be unable to be inserted in opening (14), thereby not permitting attachment of tongue (17) to the wrapper. Accordingly, the rejections of independent claim 1 over Rey et al. and dependent claims 2-26, which depend from claim 1, are respectfully requested to be withdrawn.

Claim 37

Regarding independent claim 37, Rey et al. does not teach or suggest a method of removably holding a pan and cover together. More specifically, Rey et al. does not teach or suggest inserting a cover of a pan within a loop. Nor does Rey et al. suggest inserting a handle of a pan within a hole provided on a portion of the sheet such that a cover is removably secured

to the pan. Rey et al. discloses a wrapper that may be used for protecting a pan. There is no teaching or suggestion of removably holding a cover of a pan. Accordingly, withdrawal of the rejection of independent claim 37 is respectfully requested.

New Claim

Independent claim 38 has been added and is directed to packaging for holding a pan and cover together. The packaging comprises an elongated sheet having a first part of the sheet secured to a second part of the sheet, along with a first panel and a second panel provided between the secured first and second parts of the sheet and adapted to be spaced from one another to form a loop to accommodate a cover therebetween. The packaging further comprises a first hole located in the first panel, adapted to receive a handle of a cover, and a second hole located in a portion of the sheet and adapted to receive a handle of a pan. The second hole, adapted to receive a handle of a pan, is provided by two at least partially overlapping holes, one hole present in each of the two opposed ends of the elongated sheet.

None of the references cited in the Office Action, including Pearce, et al. discloses each and every limitation of new claim 38.


CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representatives at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

Edward B. Rhyne, et al., Applicants

By: 
Eric L. Amundsen, Reg. No. 46,518
Kristin D. Wheeler, Reg. No. 43,583
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. W0543.70036US00
Date: February 17, 2004
X (02/17/04)